

Message Text

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ORIGIN CPR-01

INFO OCT-01 ARA-10 ISO-00 L-03 H-01 PRS-01 /017 R

DRAFTED BY S/CPR:HDAVIS/RGOOKIN:DPW

APPROVED BY S/CPR:HDAVIS

S/CPR - AMB. ROCKWELL (DRAFT)

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-----180722Z 126991 /21

R 172033Z JUN 77

FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA

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FOR AMBASSADOR

E.O. 11652: N/A

TAGS:PDIP, BR, US

SUBJECT:WAIVER OF IMMUNITY CASE

1. ON MAY 16 DEPARTMENT REQUESTED ASSISTANCE OF BRAZILIAN AMBASSADOR IN CONNECTION WITH ALLEGED BREACH OF CONTRACT BY MRS. MARILENA PIBERNAT SANTOS (GARCIA), EMBASSY ATTACHE, AND HER HUSBAND. GARCIA SIGNED CONTRACT SELL TO MR. AND MRS. SIMON J. EILENBERG RESIDENTIAL PROPERTY THEY OWN IN BETHESDA (WHICH THEY NOW RENT OUT). GARCIA ABROGATED SALE CONTRACT, WHICH WAS FULLY BINDING, SEVERAL DAYS AFTER IT HAD BEEN CONCLUDED.

2. CASE IS CAUSING PARTICULAR DIFFICULTY FOR DEPARTMENT AT THIS TIME BECAUSE OF CURRENT CONGRESSIONAL DRIVE TO ENACT LEGISLATION AFFECTING DIPLOMATIC IMMUNITY WHICH, AMONG OTHER
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THINGS, WOULD REPEAL STATUTE DATING FROM 1790 THAT EXTENDS FULL IMMUNITY TO ALL MEMBERS OF MISSION STAFF. PENDING BILL WOULD MAKE VIENNA CONVENTION ON DIPLOMATIC RELATIONS BASIC LAW IN US ON DIPLOMATIC IMMUNITY. IF CONVENTION ALONE GOVERNED TODAY, EILENBERGS WOULD BE ABLE TO REACH GARCIA THROUGH COURT ACTION TO ENFORCE SPECIFIC PERFORMANCE OF CONTRACT. DEPARTMENT COOPERATING WITH CONGRESSION-

AL COMMITTEE IN LEGISLATIVE EFFORT AND WOULD LIKE YOU MAKE
APPROACH TO FOREIGN MINISTRY TO WHICH BRAZILIAN EMBASSY RE-

FERRED CASE RECENTLY FOR DECISION ON DEPARTMENT'S REQUEST
FOR WAIVER OF DIPLOMATIC IMMUNITY.

3. EARLY CONTACT WITH MINISTRY NEEDED TO ACHIEVE MAXIMUM
EFFECT. STRONG CONGRESSIONAL INTEREST IN THIS CASE. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LITIGATION, CONTRACTS
Control Number: n/a
Copy: SINGLE
Sent Date: 17-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE141350
Document Source: CORE
Document Unique ID: 00
Drafter: HDAVIS/RGOOKIN:DPW
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770218-0547
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770644/aaaabmif.tel
Line Count: 70
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Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 947c827a-c288-dd11-92da-001cc4696bcc
Office: ORIGIN CPR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 02-Dec-2004 12:00:00 am
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Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2108471
Secure: OPEN
Status: NATIVE
Subject: WAIVER OF IMMUNITY CASE
TAGS: PDIP, BR, US, (PIBERNAT SANTOS GARCIA, MARILENA), (EILENBERG, SIMON J)
To: BRASILIA
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/947c827a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009